

**Before the State of South Carolina  
Department of Insurance**

In the matter of:

SCDOI File Number 2004-120450

Gerald E. Brashier  
103 Aster Drive  
Columbia, S.C. 29681.

**Consent Order  
Imposing Administrative Penalty**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Gerald E. Brashier, a licensed South Carolina insurance producer.

Upon review of this matter, I hereby find as fact, that the above named individual, while licensed to do business as a resident insurance producer within the State of South Carolina, had failed to secure a New Worker's Compensation Policy for long standing customer, Kreative Kids Child Development, Inc. Mr. Brashier acknowledges this allegation and contends his conduct resulted from inadvertence and oversight and not from any intent to avoid the requirements of the Law. Nevertheless, these actions can ultimately lead to the revocation of his license to transact the business of insurance as a producer in South Carolina, following a public hearing at the Administrative Law Judge Division, pursuant to S.C. Code Ann. Section 38-43-130.

Prior to the initiation of any administrative proceedings by the Department against him, the parties agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal administrative hearing. The consensual recommendation was that Mr. Brashier would waive his right to a public hearing, and immediately pay an administrative penalty in the amount of \$1,000.00, in lieu of the Department seeking to revoke his license.

After a thorough review of the record, carefully considering the recommendation of the parties, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Gerald Brashier had violated Section 38-43-130 (Supp. 2002) of the South Carolina Code of Administrative Laws. As a result, I can now take administrative disciplinary action against his producer's license. However, under the discretionary authority provided to me by the General Assembly within S.C. Code Ann. § 38-2-10 (2) (Supp. 2002) and carefully considering the recommendation of the parties, I hereby impose against Mr. Brashier an administrative penalty in the amount of \$1,000.00 dollars. That fine must be paid within ten days of the date of my signature upon this Consent Order. If that fine is not timely paid, his resident insurance producer's license will be immediately revoked without any further disciplinary proceedings.

This administrative penalty has been reached by the parties as a result of negotiation and compromise, and it is made in consideration of Mr. Brashier's assurance that in the future he will fully comply with the Insurance Laws of South Carolina.

This penalty includes all expenses related to the investigation of this matter as provided in § 38-13-70 of the South Carolina Code of Administrative Laws. The parties expressly agree and understand payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter. By his signature upon this consent order, Gerald Brashier acknowledges this administrative order as a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2002).

Nothing contained within this administrative order should be construed to limit, or to deprive any person of any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (4) (Supp. 2002) of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that Mr. Brashier shall, within ten days of the date of my signature on this consent order, pay through the South Carolina Department of Insurance an administrative penalty in the amount of \$1,000.00 dollars.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Gerald Brashier's file.

This consent order becomes effective as of the date of my signature below.

~~March~~ <sup>April</sup> 6, 2004  
Columbia, South Carolina

  
Ernst N. Csiszar  
Director

I CONSENT:

Gerald E Brasher  
Signature

GERALD E BRASHIER  
Printed Name

Agent / Sales Manager  
Title

Gerald E. Brasher  
103 Aster Drive  
Simpsonville, South Carolina 29681

Dated this 1 day of April, 2004.